INVESTIGATION REPORT

EDUCATION DEPARTMENT'S CONTINGENCY AND RELIEF MEASURES FOR THE SECONDARY SCHOOL PLACES ALLOCATION EXERCISE 2001

May 2002

Office of The Ombudsman

Hong Kong

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Executive Summary of the Investigation Report
on Education Department's Contingency and Relief Measures
for the Secondary School Places Allocation Exercise 2001

Background

Since 1978, boys and girls have been placed in secondary schools under the Secondary School Places Allocation (SSPA) System administered by the Education Department (ED). In August 1999, the Equal Opportunities Commission (EOC) pronounced the SSPA System as being sex-discriminatory. In July 2000, EOC sought judicial review on three allegedly sex-discriminatory features in the system -

- separate scaling of internal assessment scores for boys and girls;
- banding of students by sex; and
- sex quotas for placement of Secondary One (S1) students in co-educational secondary schools.

In June 2001, the Court ruled that the SSPA System is contrary to the Sex Discrimination Ordinance, Cap. 480 and thus unlawful.

2. To remedy substantiated cases of discrimination, ED introduced relief measures (RM) and Special Placement Service (SPS) in late July 2001 to place affected students. ED's handling of the matter, in particular, the administrative arrangements for the contingency and relief measures drew widespread community and media criticism. In view of the public concern, The Ombudsman decided to conduct a direct investigation under section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap. 397.

The Investigation

3. The direct investigation examines whether ED has taken appropriate contingency and relief measures in the light of questions over the SSPA System, implemented these measures fairly and reasonably, and handled students' banding information properly.

The SSPA System

4. In August 1999, EOC released an investigation report on the SSPA System which

concluded that separate scaling of internal assessment scores and separate banding of students by sex as well as sex quotas for placement of S1 students in co-educational secondary schools were sex-discriminatory. In response, ED maintained that boys and girls have different inherent rates of development and that the form and content of internal assessments were inevitably biased in favour of girls. It was thus fairer to place boys and girls separately. Gender quotas for co-educational secondary schools were necessary for a balance of the sexes to facilitate co-education. In April 2000, ED informed EOC that it would not change the SSPA System. In early July 2000, ED met with EOC and offered to abolish the gender quotas in co-educational schools. However, this concession was not accepted by EOC.

5. In mid-July 2000, EOC applied for judicial review on the three features in the SSPA System it regarded as sex-discriminatory (para. 1). Court hearing was conducted between 14 and 24 May 2001. In Court, ED explained that there would be chaos if combined processing for boys and girls were to be hastily adopted for the 2001 allocation exercise. ED proposed the introduction of relief measures to help aggrieved students if the judgment went against it. On 22 June 2001, just 24 days before the scheduled release of the SSPA results on 17 July 2001, the Court ruled that all three features were unlawfully sex-discriminatory. The Court did not require ED to quash the three features immediately, on the understanding that ED would have a relief arrangement to redress substantiated cases of discrimination when the allocation results were released.

Contingency and Relief Measures

6. After the release of the EOC investigation report in August 1999, ED took steps to enhance its SSPA computer system to prepare for combined processing of boys and girls. System enhancement commenced in November 1999 and was completed in May 2000 in readiness for the 2000 allocation exercise. In March 2001 about two months before the Court hearing, ED drew up a contingency plan to prepare for a possible Court order to remove the three gender-based features of the SSPA System immediately and hence to adopt combined processing for the 2001 allocation exercise. The contingency plan consisted of a decision tree for all possible scenarios and a procedural workflow for combined processing.

7. In anticipation of the Court not ordering immediate removal of the gender-based features, ED started planning for the RM in early June 2001. ED adopted two simple criteria to determine if students might have been affected -

(a) whether the banding of the student would be raised when combined processing of both boys and girls was adopted; and

(b) where the re-assessed banding of the student was the same as that under separate processing, whether the schools above the student's allocated choice had been allocated a student of the opposite sex with a lower band.

8. In devising the RM, ED adopted the following guiding principles -

- to be fair, efficient, user-friendly and easily comprehensible;
- to be transparent; and
- to maximise chances of re-allocation for aggrieved students.

9. One extra place per S1 class was added to all public-sector secondary schools. These places together with other vacant places resulting from non-registration of allocated students, amounting to a total of some 3,500 places, were reserved by ED for the placement of aggrieved students. Students were required to forward requests for relief on a standard application form to ED via their schools from 17 July 2001 to noon of 20 July 2001. They had to undertake to give up the originally allocated S1 places if they were successfully re-allocated to schools of their higher choice. Band 1 students were allocated first, followed by Band 2 and Band 3. The order of allocation within the same band was determined by the computer-generated random number.

10. ED announced the RM at a press conference held on 8 July 2001. During the press conference, ED stressed that the number of vacancies available for placement under the RM would be very small and that the chance of successful re-allocation would be extremely limited. ED estimated that there would only be about 600 places available for re-allocation under the RM.

11. During the application period, ED received 7,722 applications for relief. 3,001 were subsequently identified as students whose allocation results had likely been affected by the gender-based features of the SSPA System. Through the operation of the RM, ED successfully placed 2,261 students to schools of higher choice. The remaining 740 were not re-allocated due to the lack of vacancies in schools of their higher choice. ED released the RM placement results on 28 July 2001 and affected students registered with their re-allocated schools on 30 or 31 July 2001. The RM process was completed within two weeks.

12. To accommodate the remaining 740 aggrieved students not placed in schools of their higher choice in the RM phase due to the lack of vacancies, ED decided, after consulting the heads of ten Government schools and one aided secondary school, to operate an additional S1 class in each school. This resulted in 11 additional S1 classes, with about 440 places, for the SPS. ED contacted the parents of the 740 students on 28 and 29 July 2001 to offer them a place in one of the 11 schools or other additional places offered by some schools. With the SPS, ED successfully placed another 672 aggrieved students. The remaining 68 students did not seek special placement. The exercise was completed by 1 August 2001. ED regarded the SPS a special measure "outside the RM".

13. To enhance transparency and fairness, ED set up a Monitoring Group (MG) to oversee the operation of the RM and, where necessary, to advise on its implementation. The MG consisted of seven appointed non-official members and held altogether five meetings.

Observations and Opinions

14. In this investigation, The Ombudsman has made the following observations and opinions -

General Comments

(a) The allocation of S1 places in 2001 was complicated by simultaneous education reform : the abolition of the Academic Aptitude Test and the reduction of bands from five to three. The latter resulted in a greater degree of randomization and unpredictability in the allocation results, and led to greater disappointment and dissatisfaction among parents and students

(b) Time constraint and parental pressure aggravated the strain on ED and contributed to inadequacies in the relief measures. At times, ED staff, with the support of MG members, had to work practically round-the-clock in their efforts to bring early relief to students and parents.

Contingency Plans

(c) ED was technically ready for combined processing in the 2000 and 2001 allocation exercises. ED had drawn up contingency plans and had taken

steps to prepare for contingencies in the light of questions over the SSPA System.

Relief Measures and Special Placement Service

(d) ED's assertion that SPS was a special measure "outside the RM" is not convincing. The SPS was clearly devised to accommodate the remaining aggrieved students not placed in schools of their higher choice under the RM phase because of lack of vacancies. In this light, the SPS was *de facto* an extension and an integral part of the RM.

(e) Had ED assessed more accurately the need to accommodate as many aggrieved students as possible and included in the RM phase the additional school places later created under the SPS, placement would have been, and be seen as, a well co-ordinated exercise.

Operation of the Monitoring Group

(f) ED did not allow enough time for the MG to comment or to advise before the results of the RM were made public. Two incidents helped to illustrate this point -

Incident 1 : RM placement results were available for scrutiny by the MG only in the afternoon of 27 July 2001, when the results had already been announced by press conference and result slips printed and packed for collection the following day.

Incident 2 : The results of ED's sample checks were endorsed by the MG only on 6 August 2001, when all affected students under the RM and the SPS had already registered with their re-allocated schools.

(g) Although the fourth meeting of the MG was held, more than half the members were absent.

Handling of Banding Information

(h) ED's practice of not retaining students' banding information immediately

after the allocation exercise is unreasonable, given the importance of the band in determining students' priority for placement and the justifiable need for students/parents and investigating bodies (e.g. EOC and this Office) to inspect such information in case of queries or complaints.

(i) As ED may reconstruct banding information from raw data, it can be argued that the department is still holding banding information indirectly. ED should review its practice of not retaining and not releasing banding information to students/parents on their express requests, to ensure consistency with the Personal Data (Privacy) Ordinance.

Public Announcements and Comments

(j) Some parents had refrained from applying for relief as a result of ED's statement about the little chance of success (para. 10). They subsequently found ED's statement untrue: ED had practically re-allocated all aggrieved students under the RM and the SPS. We consider that since ED was offering relief to students, it should not have speculated on the chances of success publicly. Those utterances had come across as cautioning against application for relief.

Other Observations

(k) ED had reviewed the SSPA System and announced in December 2001 that, to abide by the Court ruling, the only changes for the time being would be the removal of the gender-based features.

(l) ED had released in February 2002 new guidelines for internal assessments of P5 and P6 students.

(m) EC would further review the SSPA System in 2003/04 and implement any long-term changes in 2005/06.

Conclusions

15. On the basis of our investigation, we have come to the following conclusions -

(a) ED has taken steps to prepare for contingencies in the light of questions over the SSPA System.

(b) The relief measures were fine in principle but deficient in implementation.

(c) Administrative deficiencies have been identified in the procedures for the MG's execution of its advisory and supervisory functions.

(d) There was discrepancy in ED's treatment of requests for access to banding information from EOC and from aggrieved students or their parents.

(e) ED had made apparently "cautious", but in effect misleading, statements about the chances of successful re-allocation through the RM.

(f) ED's introduction of the SPS, in our view a *de facto* extension of the RM, had been made with undue haste and without advance notice to students and parents.

Recommendations

16. The Ombudsman has made the following seven recommendations to ED for consideration -

Relief Measures

(a) To ensure fairness and maximum access to redress for aggrieved students when formulating and implementing relief measures, if ever necessary again in future;

Monitoring Mechanism

(b) To work out with the monitoring body beforehand the key stages of operation and set up corresponding check points for review;

(c) To allow time, when scheduling its operation, for the monitoring body to review and advise on the operation and for the department to respond to or act on such advice;

(d) To reschedule meetings of the monitoring body when more than half of the members are absent;

Banding Information

(e) To review, in consultation with the Office of the Privacy Commissioner for Personal Data and EOC, the existing practice of retaining and releasing banding information;

Public Announcements and Comments

(f) To refrain from speculating on chances of success of appeal in public statements or comments; and

Long-Term Allocation

(g) To speed up the progress of the overall review of the SSPA System.

A Final Note

17. On a final note, The Ombudsman sees a conflict between the policy objectives of the Sex Discrimination Ordinance and the educational principles behind the SSPA System. We respect the need to enforce the legislation on sex discrimination. However, we also see the need to recognise and accept the different rates of growth, development and maturity between boys and girls. This is a fact of life and nature which no legislation can alter.

- End -

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LEGEND OF ABBREVIATIONS

AAT	Academic Aptitude Test
D of E	Director of Education
D of J	Department of Justice
EC	Education Commission
ED	Education Department
EOC	Equal Opportunities Commission
IA	Internal Assessment
ITSD	Information Technology Services Department
LegCo	Legislative Council
MG	Monitoring Group
P6	Primary Six
PCO	Office of the Privacy Commissioner for Personal Data
PD(P)O	Personal Data (Privacy) Ordinance, Cap. 486
RM	Relief Measures
S1	Secondary One
SDO	Sex Discrimination Ordinance, Cap. 480
SPS	Special Placement Service
SSPA	Secondary School Places Allocation

1

INTRODUCTION

BACKGROUND

1.1 The allocation of school places has always been a matter of concern for parents and students as well as schools. Ever since the introduction of the Secondary School Places Allocation (SSPA) System some 23 years ago, the Education Department (ED) invariably receives complaints every year from parents who feel strongly that their children should have been placed in schools of their higher choice.

1.2 In August 1999, the Equal Opportunities Commission (EOC) pronounced the SSPA System administered by ED as being sex-discriminatory. Then, in July 2000, EOC sought judicial review on the allegedly sex-discriminatory features of the system. In June 2001, the Court ruled that the SSPA System is contrary to the Sex Discrimination Ordinance (SDO), Cap. 480 and thus unlawful.

1.3 To remedy substantiated cases of discrimination, ED introduced relief measures (RM) in late July 2001 to place affected students. ED received 7,722 requests for relief and found 3,001 of them affected. Of these 3,001 cases, ED successfully placed 2,261 students. ED then introduced a Special Placement Service (SPS) for another 672 students

during the period between 28 July and 1 August 2001. The remaining 68 students accepted their original placement and did not require the SPS.

1.4 Throughout July 2001, there was vocal and widespread community and media criticism of ED's handling of the matter, in particular the administrative arrangements for the contingency and relief measures.

1.5 Against this background, The Ombudsman decided to conduct a direct investigation under section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap. 397. The Director of Education (D of E) was notified on 1 August 2001 and pledged full assistance. A media announcement was issued on 2 August 2001.

PURPOSE AND AMBIT

1.6 This direct investigation aims to establish whether -

(a) ED has taken appropriate action to prepare for contingency and relief measures in the light of questions over the system for allocating Secondary One (S1) places -

(i) upon release of EOC investigation report in August 1999;

(ii) upon EOC's application for judicial review in July 2000 and in anticipation of a judgment possibly not in ED's favour; and

(iii) after the delivery of the Court judgment in June 2001;

(b) ED has acted fairly and reasonably in its implementation of the contingency and relief measures; and

(c) ED has acted properly in its handling of students' banding information.

METHODOLOGY

1.7 For the investigation, we have -

(a) studied relevant papers, records and reports of ED;

(b) taken reference from the Court judgment;

(c) interviewed ED officials, EOC representatives and members of the Monitoring Group (MG); and

(d) invited views from education organisations/bodies and members of the public.

REPORT

1.8 The draft investigation report was sent to ED for

comments on 25 April 2002. This final report, incorporating its comments and our responses, was issued on 15 May 2002.

2

THE DISPUTE

THE SSPA SYSTEM

General

2.1 The SSPA System was introduced in 1978 to replace the Secondary School Entrance Examination. Administered by the School Places Allocation Section of ED, it allocates S1 school places to Primary 6 (P6) students. A SSPA Committee oversees its operation. The terms of reference and composition of the SSPA Committee are at **Annex I.**

2.2 The SSPA System consists of the Discretionary Places Stage and the Central Allocation Stage. At the **Discretionary Places Stage,** secondary schools may reserve up to 20% of their S1 places for admission of students before central allocation. After deduction of repeater and discretionary places, a parent secondary school may reserve up to 85% under the **Feeder School Scheme** and up to 25% under the **Nominated School Scheme** of the remaining places for students of its feeder and nominated primary schools respectively.

Central Allocation

2.3 The Central Allocation Stage has the features

outlined below.

Internal Assessment

2.4 A P6 student's chances of allocation to a school of his/her preference depend largely on his/her position in the order of merit of his/her own school. This order of merit, based on the school's internal assessments (IAs) at the end of P5 and both mid-year and at the end of P6, is formed by standardising all the students' marks for Chinese, English, Mathematics, General Studies, Music and Art and Craft. Some schools may also include Religious Knowledge and Putonghua. Physical Education is not assessed.

The Scaling Mechanism

2.5 As the standard of marking or assessment may vary from school to school, it is not appropriate to apply the marks of all schools directly to form the order of merit for the purpose of school places allocation. School IAs are therefore scaled for fair comparison and the converted marks of all participating students put in an order of merit. The IAs of boys and girls are scaled separately to recognise their different rates of development.

2.6 Before 2001, the Academic Aptitude Test (AAT) served as a scaling tool. With recent education reform, AAT was abolished starting from the 2001 allocation exercise. Instead, the average AAT results of each primary school in the preceding three years (i.e. 1997/98, 1998/99 and 1999/2000) were used to scale school IA results to determine the students' allocation bands.

School Nets

2.7 The territory is divided into 18 school nets. The aim is to allocate P6 students within the school nets of their primary schools. However, due to the uneven distribution of population, some secondary schools serve a number of school nets.

Allocation Bands and Random Numbers

2.8 The scaled IA scores of boys and girls are put into a separate order of merit for determining their allocation bands in a school net. Again under recent education reform, allocation bands have been reduced from five to three starting from the 2001 allocation exercise. Each band thus consists of 33.3% of the total P6 boy/girl students in the school net instead of the previous 20%. The order of allocation within the same band is by a computer-generated random number for each student.

Parental Choice

2.9 Every year in late April/early May, ED will distribute to each P6 student a list of secondary schools which provide S1 places for his/her school net. Parents make their choice from the list, in order of preference. School places are then allocated in the order of preference indicated.

Allocation by Nets, by Bands and by Parental Choice

2.10 Within a net, school places are allocated according to the students' band and the parents' choice. Band 1 students are allocated S1 places first, then Band 2 and so on. If

applicants for a particular secondary school exceed its places, students of the same band with smaller random numbers will be allocated a place first. Within a band, all first choices will be allocated first, followed by second choices and so on. This process will go on until all students in the school net have been allocated a place.

Banding Information

2.11 In 1978 when the SSPA System was introduced, the then ED policy was not to release the banding information to individual students. In July 1998, in compliance with the Personal Data (Privacy) Ordinance (PD(P)O), ED released the banding information to individual students for the first time. This change of practice attracted much public criticism because many lower-band students felt labelled and faced difficulties in transferring schools. In 1999 after consulting relevant parties including the SSPA Committee, the Legislative Council (LegCo) Panel on Education and the Office of the Privacy Commissioner for Personal Data (PCO), ED decided not to disclose the banding information and not to keep it after the allocation exercise for the following reasons -

(a) The band was only an intermediate product of the allocation process and did not represent the absolute academic performance of individual students;

(b) The resultant products of the allocation process are the schools to which students are allocated; and

(c) The banding information should not be released to avoid labelling effect.

2.12 Since 1999, ED has not retained the banding information of individual students after the allocation exercise. However, it can manually re-calculate the bands of individual students from their IA raw data and individual schools' scaling curves if necessary (e.g. in case of appeal against allocation result).

2.13 With regard to allocation bands generated under RM, ED also considered them as intermediate products, which would cease to exist on completion of the re-allocation process. Nevertheless, ED has reconstructed and retained the banding information for the complaint cases filed with EOC in connection with the 2001 allocation exercise. ED would release the reconstructed banding information only to EOC for its investigation and to students and their parents involved in the EOC complaints upon their data access requests. However, for other students or parents who requested banding information, ED responded that it did not hold such information and thus could not provide them with the information requested.

EOC INVESTIGATION

2.14 In September 1998, EOC initiated a formal investigation into the SSPA System. Its report, released in August 1999, concluded that the following features of the system were sex-discriminatory -

(a) separate scaling of IA scores for boys and girls;

(b) banding of students by sex; and

(c) sex quotas for placement of S1 students in co-educational secondary schools.

ED'S RESPONSE

2.15 In response, ED maintained that boys and girls have different inherent rates of development and that the form and content of IAs were inevitably biased in favour of girls. It was thus fairer to place boys and girls separately. Gender quotas for co-educational secondary schools were necessary for a balance of the sexes to facilitate co-education.

2.16 During the period from August 1999 to April 2000, ED took the following actions -

(a) conducted literature review which confirmed the validity of the educational principles underlying the separate placement of boys and girls;

(b) rallied support from school heads, the SSPA Committee and the LegCo Panel on Education;

(c) enhanced the computer system to accommodate combined processing (para. 3.1);

(d) conducted simulation runs on combined processing to assess its impact;

(e) held a conciliation meeting with EOC; and

(f) sought legal advice from the Department of Justice (D of J) and overseas counsel.

2.17 On (d), the simulation runs conducted in October 1999 showed that boys would be disadvantaged if combined processing were adopted. Moreover, if gender quotas were abolished, the sex ratios of some schools could be skewed to the extreme, viz. 80:20. ED feared that co-education would be undermined.

2.18 On (e), the conciliation meeting with EOC on 29 February 2000 did not reach any agreement. ED's position was that the education reform then under consideration might solve the problem as the SSPA System was being examined by the Education Commission (EC) as part of an overall review of the education system.

2.19 After careful consideration and consultation with the Education and Manpower Bureau and D of J, ED informed EOC in April 2000 that it would not change the SSPA System. In early July 2000, ED again met with EOC and offered to abolish the gender quotas in co-educational schools. However, this concession was not accepted by EOC.

JUDICIAL REVIEW

2.20 In mid-July 2000, EOC applied for judicial review on the three features in the SSPA System it regarded as sex-discriminatory (para. 2.14). Court hearing was conducted between 14 and 24 May 2001. In Court, ED explained that according to Government's timetable for education reform, EC would review the SSPA System in 2003/04 and, subject to the results, introduce a new allocation system in 2005/06. Under the new system, boys and girls would not be grouped into separate bands. The ratio of discretionary places would also be further increased to 30%. All P6 students not admitted to a S1 discretionary place would be arranged into three equal groups within their own schools according to their IA scores. Allocation of S1 places would be carried out according to school nets, allocation bands and parental choice. ED emphasised that as the new allocation system involved changes to assessment content and format, it had to synchronize with curriculum development and other remedial and enhancement measures. If the Court ruled against ED, it would need a reasonable timeframe for necessary changes to the allocation system.

2.21 ED also pointed out in Court that there would be chaos if combined processing for boys and girls were to be hastily adopted for the 2001 allocation exercise. This was because there would not be enough time to explain to parents the impact of the change, to allow them to revise their choice of schools and to brief all secondary and primary schools on the new system. ED estimated that these tasks would take at least two to three months. This would unavoidably delay the release of allocation results. Meanwhile, secondary schools would not be able to provide educationally beneficial post-allocation

programmes such as bridging courses, parent-teacher meetings and orientation activities.

2.22 Moreover, there had already been a number of major changes to the SSPA System in 2001 under the education reform such as the increase of discretionary places from 10 to 20%, the abolition of AAT and the reduction of bands from five to three. ED feared that hasty adoption of combined processing would further complicate the situation and cause confusion and anxiety to parents, students and schools.

2.23 For these reasons, ED proposed in Court that it would introduce relief measures to help genuinely aggrieved students if the judgment went against it. EOC did not object to this proposal.

COURT JUDGMENT

2.24 On 22 June 2001, just 24 calendar days (18 working days) before the scheduled release of the SSPA results on 17 July 2001, the Court ruled that all three features were unlawfully sex-discriminatory. The Court did not require ED to quash the three features immediately, on the understanding that ED would have a relief arrangement to redress substantiated cases of discrimination in the upcoming (2001) allocation exercise.

3

CONTINGENCY AND RELIEF MEASURES

CONTINGENCY PLANS

3.1 After the release of the EOC investigation report in August 1999, ED took steps to enhance its SSPA computer system to accommodate the combined processing of boys and girls. System enhancement commenced in November 1999 and was completed in May 2000 in readiness for the 2000 allocation exercise. ED also conducted three simulation runs - in October 1999, September 2000 and March 2001 - to assess the impact of combined processing based on the latest data available and the revised allocation algorithm.

3.2 In March 2001, about two months before the Court hearing, ED drew up a contingency plan to prepare for a possible Court order to quash the three gender-based features of the SSPA System immediately and hence to adopt combined processing for the 2001 allocation exercise. The contingency plan consisted of a decision tree for all possible scenarios and a procedural workflow for combined processing. The decision tree, which took into account the possible timings of the Court , laid down the course of action and the consequences under different scenarios. The procedural workflow crammed all computer processing jobs into 17 working days. However, it

did not include the work and lead time required to brief parents and schools about the impact of combined processing on allocation results and to allow parents to revise their choice of schools.

3.3 The decision tree and procedural workflow were sent to D of J and Information Technology Services Department (ITSD) for comments on 20 March 2001. ITSD confirmed the technical feasibility of the procedural workflow.

RELIEF MEASURES

3.4 In anticipation of the Court not ordering an immediate quashing of the three gender-based features, ED started planning for the RM in early June 2001. ED adopted two simple criteria to determine if students might have been affected -

(a) whether the banding of the student would be raised when combined processing of both boys and girls was adopted; and

(b) where the re-assessed banding of the student was the same as that under separate processing, whether the schools above the student's allocated choice had been allocated a student of the opposite sex with a lower band.

However, meeting either of the two criteria was not conclusive evidence that a student had in fact been affected as many

complicated intertwining factors, e.g. choice of schools and random number, were at play.

3.5 In devising the RM, ED was actually adopting a more liberal approach to help, as far as possible, students who might have been affected. ED applied the following guiding principles -

Principle 1 - to be fair, efficient, user-friendly and easily comprehensible;

Principle 2 - to be transparent; and

Principle 3 - to maximise chances of re-allocation for students genuinely aggrieved.

3.6 The key steps to implementing the RM were as follows -

(a) All public-sector secondary schools added one extra place per S1 class.

(b) Together with other vacant places resulting from non-registration of allocated students, a total of 3,548 school places were frozen by ED for placement of aggrieved students.

(c) Students were required to forward requests for relief on a standard application form via their schools to ED from 17 July 2001 to noon of 20 July 2001.

(d) For each case, if the student's new band under combined processing is **higher** than the original band, he/she would be classified as an aggrieved student. The computer would scan through the student's choice of schools from the first choice up to that immediately above the school to which the student had been allocated and check whether students allocated to these schools were of the **same** or a **lower** band than the student's new band. In this case, if there were vacancies in these schools, a place of the highest choice would be offered to the student.

(e) If the student's band under combined processing remained the **same** as the original band, the computer would scan through the student's schools of higher choice to see if any students of the opposite sex with a **lower** band had been allocated to these schools. In this case, if there were vacancies in these schools, a place of the highest choice would be offered to the student.

(f) Band 1 students would be allocated first, followed by Band 2 and then Band 3. The order of allocation within the same band would be determined by the random number.

(g) All students successfully re-allocated to schools of their higher choice had to

give up S1 places originally allocated to them.

(h) A Monitoring Group (MG) was set up to oversee the operation and implementation of the RM (para. 3.12 below).

The application form, explanatory notes and publicity leaflet on the RM are at **Annex II.**

3.7 On 8 July 2001, ED held a press conference to announce the RM. ED held two seminars on 12 July 2001 to brief primary and secondary school representatives. The briefing materials and speaking notes were uploaded onto ED's website for reference by schools and parents. ED also operated an enquiry hotline during the periods 17-20, 28 and 30-31 July 2001. D of E had three full-scale press conferences, three stand-up media sessions and one radio broadcast on RTHK's "Letter to Hong Kong (香港家書)" to explain the RM and to report progress.

3.8 During the application period, 7,722 requests for relief were received. 3,001 (38.9%) were subsequently identified as students whose allocation results had been affected by the gender-based features of the SSPA System. Through the operation of the RM, ED successfully placed 2,261 (75.3%) students to schools of higher choice. The remaining 740 (24.7%) were not re-allocated as vacancies were not available in their schools of higher choice. The results of the RM were released on 28 July 2001 and affected students registered with their re-allocated schools on 30 or 31 July 2001. The RM process was completed within two weeks. The sequence of implementation is at **Annex III.**

3.9 Although ED had announced that only about 600 "usable" vacant places would be available (para. 3.14), it successfully placed 2,261 aggrieved students in schools of their higher choice under the RM. ED explained that this was mainly due to the "move-over" effect of re-allocation as students who accepted the re-allocated school places had to surrender their originally allocated places.

SPECIAL PLACEMENT SERVICE

3.10 To accommodate the remaining 740 aggrieved students not placed in schools of their higher choice due to the lack of vacancies under the RM, ED decided, after consulting the heads of ten Government schools and one aided secondary school, to add an extra S1 class in each school. This resulted in 11 additional S1 classes, with about 440 places, for the SPS.

3.11 ED contacted the parents of the 740 students on 28 and 29 July 2001 to offer them a place in one of the 11 schools or other additional places offered by some schools. With the SPS, ED successfully placed another 672 (22.4%) affected students. The remaining 68 (2.3%) students did not want special placement. The exercise was completed by 1 August 2001. ED regarded the SPS a special measure "outside the RM". The sequence of implementation is at **Annex IV**.

MONITORING GROUP

3.12 D of E appointed a MG under the SSPA Committee to oversee the operation of the RM and, where necessary, to advise on its implementation. The MG consisted of seven non-official

members, five drawn from the SSPA Committee and two co-opted. The terms of reference and composition are at **Annex V.**

3.13 The MG, with the Chairperson of the SSPA Committee as Co-ordinator, first met on 11 July 2001 and held altogether five meetings, with the last one held on 6 August 2001.

PUBLIC ANNOUNCEMENTS

3.14 At the press conference held on 8 July 2001 to announce the RM, D of E stated, "The number of vacancies available after the release of allocation results and registration of allocated students would be very small. Even taking into account the additional place for each S1 class to be created, the chance of successful re-allocation remains extremely limited." ED suggested at the press conference that there would only be about 600 places available for reallocation under the RM.

4

VIEWS AND COMMENTS FROM EDUCATIONAL BODIES AND OTHERS

VIEWS FROM EDUCATIONAL BODIES

4.1 This Office wrote to nine educational bodies, at **Annex VI**, for views. Two of them, namely the Grant Schools Council and the Hong Kong Education Policy Concern Organization, responded. Their views are summarised as follows -

(a) ED had done its best to prepare for contingency and remedial measures. Necessary action had been taken for the purpose.

(b) Given the time and other constraints, the measures adopted by ED showed a willingness to meet the demands of a new situation.

(c) ED had acted fairly and reasonably in carrying out the appeal mechanism, with the procedures clearly announced and followed through.

(d) By stressing the slim chances of re-allocation, ED had given the impression of trying to dissuade parents from making appeals.

(e) ED did not appear to have acted with full appropriateness in handling banding information.

(f) The RM was introduced at too short notice, making it difficult for schools to be sufficiently prepared for handling of queries and complaints.

(g) Parents, being fully aware of the retention of separate processing when making their choice of schools, might have contributed to the grievances so engendered.

The submissions in full are at **Annex VII** and **Annex VIII**.

VIEWS FROM OTHER BODIES AND MEMBERS OF THE PUBLIC

4.2 We interviewed representatives from EOC and the Co-ordinator and a member[1] of the MG. We received one submission from members of the public and comments from many parents. The salient points are summarised below -

[1] That member chaired the fourth MG meeting held on 27 July 2001 in the absence of the Co-ordinator.

(a) Publicity efforts of ED were inadequate. As a result, members of the public lacked a clear understanding of the SSPA System, in particular the role of the MG.

(b) ED had failed to draw up effective contingency plans to address the grievances of all affected students.

(c) Although EOC had alerted ED to the problems caused by the sex-discriminatory features of SSPA System since 1998, ED failed to remove them, as mandated by SDO.

(d) The ways ED disseminated information had led to frustration for and grievances from students and parents.

(e) ED had failed to make sufficient preparations for the RM and the SPS.

(f) ED had adopted different standards in re-allocating S1 places under the RM and the SPS to the aggrieved students.

(g) ED had discouraged parents from applying for the RM by emphasising the limited chances of successful re-allocation.

(h) ED had failed to maintain and store students' banding information properly, given its relevance and potential value

as evidence in any claim of discrimination.

4.3 Specific comments pertaining to the operation of the RM and the SPS are summarised as follows -

(a) ED's planning for the RM was haphazard. Although ED had initially asked each secondary school to provide only an additional place in each S1 class, it later created an additional S1 class in 11 schools to accommodate the remaining aggrieved students under the SPS.

(b) ED adopted different standards in re-allocating S1 places to the aggrieved students. For the first lot of 2,261 aggrieved cases under the RM, ED re-allocated places in schools of their higher choice by considering their banding and random numbers. However, for the second lot of 672 under the SPS, ED did not seem to have considered those factors but simply re-allocated available places to them.

(c) Many parents who had accepted vacancies under the RM later felt that the second lot of affected students were allocated places at "better" schools under the SPS.

(d) ED had cautioned parents in applying for relief as they would have to relinquish

the places originally allocated to their children.

(e) Many parents were discouraged from using the RM due to ED's comments that places were limited and the chances of re-allocation to schools of their higher choice would be very limited.

(f) Some parents complained to EOC that their children had been discriminated by the RM.

5

OBSERVATIONS AND OPINIONS

GENERAL POINTS

5.1 Hong Kong people have traditionally valued education. Many see this as an avenue for social advancement. Most parents, therefore, have a strong desire for their children to be educated in schools of their choice, i.e. schools of "higher banding". Competition for places in such schools is, therefore, keen.

5.2 The allocation of S1 places in 2001 was complicated by the reduction of bands from five to three. This resulted in a greater degree of randomization and unpredictability in the allocation results and caused greater disappointment and dissatisfaction among parents and students. The abolition of AAT and the Court judgment, in particular, made for more constraints upon the SSPA System and ED's resources.

5.3 Against this background, we appreciate and applaud the stamina and perseverance of ED staff concerned, so too the willing support of non-officials, in their efforts to bring early relief to students and parents. Time constraint and parental pressure aggravated the strain on them and contributed to inadequacies in the relief measures.

5.4 We have examined ED's contingency and relief measures and its handling of banding information. We have some observations and views.

CONTINGENCY PLANS

5.5 On contingency plans (paras. 3.1 to 3.3), we are satisfied that ED was technically ready for adopting combined processing in the 2000 and 2001 allocation exercises. ED considered it inappropriate and premature to disclose those plans while litigation was underway. This gave the wrong impression that ED was complacent and had no plans for contingencies. Before the Court handed down its judgment, ED did not consider it appropriate to take any "administrative measures" for implementing combined processing. By "administrative measures", ED meant briefings for parents and schools on the implications of combined processing and the arrangements for parents' revision of choice of schools.

5.6 For the reasons set out in Chapter 2, ED proposed and the Court accepted not switching to combined processing immediately. Instead, ED should continue separate processing in 2001 but at the same time introduce relief measures to help genuinely aggrieved students.

5.7 Overall, we are satisfied that ED had taken steps to prepare for contingencies in the light of questions over the SSPA System. ED was technically ready for change but decided that the time was not yet opportune (paras. 2.16 to 2.19).

RELIEF MEASURES AND SPECIAL PLACEMENT SERVICE

5.8 There was public criticism that there had been disparity in the arrangements for re-allocation under the RM and the SPS (para. 4.3(b)). Some parents who had accepted vacancies under the RM felt that the subsequent lot of affected students were allocated places in "better" schools under the SPS (para. 4.3(c)). ED asserted that the SPS was a special arrangement "outside the RM" (para. 3.11) mounted out of goodwill and genuine concern for those affected students left unallocated under the RM. While we do not question ED's concern for students, we find this assertion not convincing : the SPS was clearly devised to accommodate the remaining aggrieved students under the RM not placed in schools of their higher choice because of lack of vacancies. It was a measure taken by ED to forestall possible claims for remedy by those students. In this light, the SPS was *de facto* an extension and an integral part of the RM. Had ED assessed more accurately the need to accommodate as many aggrieved students as possible and included from the outset the additional school places later created for the SPS, placement would have been, and be seen as, a well co-ordinated exercise. Certainly, the perception of unfairness to students placed under the RM would have been minimised.

5.9 ED could have conducted simulation runs in order to maximise the chances of aggrieved students for relief. Although this might have lengthened the re-allocation process, we consider it worthwhile to enhance fairness for all aggrieved students (principle 1 in para. 3.5) and to maximise success in re-allocation (principle 3 in para. 3.5).

OPERATION OF THE MONITORING GROUP

5.10 D of E appointed the MG for the purpose of overseeing the operation of the RM and advising on its implementation (para. 3.12). We have examined the operation of the MG and found some deficiencies -

(a) The RM placement results were available for scrutiny by the MG only an hour after the results had already been announced at a press conference in the afternoon of 27 July 2001 and the relevant documents printed and packed for collection the following day.

(b) The results of the sample checks were endorsed by the MG only on 6 August 2001, when all affected students under the RM and the SPS had already registered with their re-allocated schools.

(c) Although the fourth meeting was held, more than half the members, including the Co-ordinator, were absent.

5.11 On point (a), the first meeting on 11 July 2001 resolved that ED should provide information on the placement results by 28 July 2001 to members for scrutiny to ascertain that RM had been properly conducted. However, ED scheduled for the release of the RM placement results on the same day. In other words, ED did not allow time for the MG to comment or to advise before the results were made public.

5.12 ED maintained that it had intended to report the RM placement results to the MG at the fourth meeting scheduled for the morning of 27 July 2001, one day before announcement of results. In the event, unfortunately, the hoisting of Typhoon Signal No. 8 on 25 July 2001 disrupted ED's already very tight schedule of work. The placement results were not available until noon of 27 July 2001. The fourth MG meeting, originally scheduled for that morning, had to be deferred to the afternoon immediately after the press conference to announce the results. ED pointed out that it had made its best endeavours to keep the MG fully in the picture on the placement results at the first opportunity. ED further explained that it would be inadvisable to delay the release of the placement results, given its earlier pledge on the timing for releasing the results and the anxiety of the parents and students concerned. ED stressed that time was of the essence for the whole exercise.

5.13 On point (b), the fourth MG meeting on 27 July 2001 resolved that sample checks be conducted by ED and delivered to members on 30 July 2001. We found that this (the fourth) meeting was attended by only three members; the four other members, including the Co-ordinator, were absent. The results of the sample checks were endorsed only at the fifth MG meeting held on 6 August 2001, well after the registration of the affected students on 30 and 31 July 2001. We see little scope for remedy, if any, that ED could make should the sample checks reveal errors in processing.

5.14 We have asked ED why the MG was not given the chance to examine the RM placement results by sample checks before they were released. ED responded that the MG was not obliged to ask ED to perform sample checks before announcement of the

results on 28 July 2001. We cannot accept such a reply because the MG was introduced specifically to oversee the operation of the RM (para. 3.12). In the event, the MG scrutinised the placement results after the press announcement and endorsed the sample checks after the registration of students. This has created the unfortunate public impression that matters tabled for the MG were *fait accompli* and that the MG was merely a "rubber stamp" for ED.

5.15 We commend D of E for setting up a monitoring body for greater transparency and fairness. However, for such a body to exercise its functions properly, it is vital that a plan be worked out with members beforehand to identify key stages of operation and check points for review at each stage. The community expects ED to allow sufficient time at each check point not only for the MG to review and advise on the operation but also for the department to respond and as necessary to revise implementation arrangements.

HANDLING OF BANDING INFORMATION

5.16 On the handling of banding information, ED had adopted two practices -

(a) not retaining banding information after the allocation exercise; and

(b) releasing banding information to EOC upon its request but not to students or their parents despite their express request for access.

5.17 At the meeting of the LegCo Panel on Education on 26 October 1999, EOC was on record as stating that "while PD(P)O provided for the deletion of data which was no longer required, it did allow retention of data and records which could be useful for related purposes. In the case of SSPA, one of the related purposes for retaining the banding information in the computer would be to cater for processing of any appeals against unfair banding allocation. EOC had recommended … to retain relevant data and records for a period of at least 12 months. D of E said that she would follow up the matter with the Privacy Commissioner for Personal Data"[2]. We have asked ED whether it had followed up EOC's suggestion with PCO. ED responded that D of J and PCO had been consulted before the arrangement was made not to retain individual students' banding information. ED believed that this practice had complied with PD(P)O because such information could be reconstructed from raw data where necessary.

5.18 As far as we could ascertain, PCO's advice to ED was given before the LegCo Panel meeting. ED had not reverted to PCO after that meeting. We are concerned that ED had not addressed the questions whether the pledge to follow up with PCO has been fulfilled and whether the policy for not retaining banding information is in conformity with PD(P)O.

5.19 Given the importance of the band in determining individual students' priority for placement, it is not unreasonable to expect ED to keep such information for a reasonable period after the allocation exercise for inspection by students and their parents or by investigating bodies (e.g. EOC or this Office) in case of queries or complaints. We

[2] Para. 35 of the minutes of meeting of the LegCo Panel on Education held on 26 October 1999.

consider the handling of complaints or appeals to be an integral part of the allocation process. As a matter of fact, ED invariably receives complaints on SSPA every year (para. 1.1). We therefore concur with EOC's view that banding information should be retained for a reasonable period of time to facilitate speedy handling of queries and complaints.

5.20 Although banding information was not retained after the allocation exercise, it is possible for ED to reconstruct such information from the IA raw data and school scaling curves. It would take about 45 minutes each to reconstruct banding information of individual students from raw data manually.

5.21 At the meeting held between ED and PCO on 16 December 1998 to discuss the printing of banding information on result slips, PCO advised, "Although SSPA banding was only a criteria for allocation of school places, it was considered personal data since it was directly related to a student"[3]. PCO further advised that "ED could choose not to disclose the SSPA banding by not printing it on the allocation result slips. However, in accordance with section 19 of PD(P)O, ED must comply with requests for access to personal data from the data subjects as long as the department held the data"[4].

5.22 ED explained that EOC's requests for students' banding information were made under SDO for the purpose of complaint investigation. ED was bound by SDO to assist the investigation by deploying resources to reconstruct the banding information from raw data. As regards other requests for the banding information made by students or parents, ED's stance is that it did not retain the requested information and

[3] Para. 6 of the notes of meeting between ED and PCO on 16 December 1998.
[4] Para. 7 of the same notes of meeting.

therefore could not supply to them the banding information.

5.23 As ED may reconstruct banding information from raw data, ED was still holding banding information, albeit indirectly. In this light, it is our view that ED should review its practice of not retaining and not releasing banding information to students or their parents on their express request. We are concerned that this may be in breach of PD(P)O.

PUBLIC ANNOUNCEMENTS

5.24 ED had made two significant statements at the press conference on 8 July 2001 to announce the RM. Both emphasised the very limited chances of successful re-allocation to schools of higher choice for aggrieved students who sought redress through the RM (para. 3.14). As a result, some parents had refrained from applying for relief under the RM.

5.25 When the RM placement results were released, the public found these statements to be far from the truth. ED succeeded in re-allocating all aggrieved students : 2,261 under the RM and 672 under the SPS. As a result, some parents complained bitterly that they had been misled by ED's statements into not filing applications for relief (para. 4.3(e)). At the same time, some parents of students re-allocated under the RM complained that ED had adopted different standards in re-allocating S1 places under the RM and the SPS (para. 4.3(b)). They felt aggrieved that the 11 schools for the SPS were generally "top" schools, not just schools of higher choice (para. 4.3(c)).

5.26 ED explained that it was not possible to forecast

accurately the number of "usable" vacancies generated by the "move-over" effect, i.e. whether the places surrendered by students successfully placed under the RM would fall within the list of schools of higher choice for the remaining students. ED also clarified that, out of the 3,500 or so S1 places available for re-allocation (para. 3.6(b)), only about 600 were likely to be in schools of higher choice for affected students. As it turned out, the RM placement results were better than expected, and the SPS placement results even better still.

5.27 We are not persuaded by ED's explanations. While suggesting that it was not possible to estimate accurately the "move-over" effect, ED should have realised that an additional 500 to 600 places plus vacancies from the "move-over" effect would give considerable scope for re-allocation. In any case, we consider that since ED was offering relief to students who believed themselves to have been adversely affected, ED should not speculate on the chances of success. Those utterances had come across as cautioning against application for relief.

OTHER OBSERVATIONS

5.28 In July 2001, ED set up a task force with D of E as Chairman to draw up proposals for a longer-term replacement SSPA System which is both fair and free from sex-discriminatory elements while conforming to educational principles. Local and overseas experts were appointed to advise ED. However, ED announced in December 2001 that, to abide by the Court ruling, the only changes to the SSPA System in 2002 would be the removal of the three gender-based features. In coming to this decision, ED had taken into account the following points -

(a) The SSPA System has a two-year cycle starting from the second term of P5 and carrying over to the end of P6. For the 2002 allocation exercise, primary schools had already submitted the P5 second term IA scores of the participating P6 students. Substantial changes to the system should start with P5;

(b) The on-going curriculum reform seeks to put in place a broader and more balanced curriculum with new and diversified ways of teaching/learning and assessment in recognition of students' multiple ability and intelligence; and

(c) EC would further review the SSPA System in 2003/04 before deciding on long-term changes in 2005/06.

5.29 On (b), ED had in February 2002 released new guidelines for IAs for P5 and P6 students. The new guidelines introduced a wider range of skills in order to obtain a more diversified assessment of students' abilities.

5.30 To project the impact of the new allocation system, ED had conducted simulation runs based on the data of the 2000 and 2001 allocation exercises. As expected, the simulation results showed that the percentage of boys in Band 1 was smaller than that of girls and greater in Band 3 and that some co-educational schools would have unbalanced sex ratios.

6

CONCLUSIONS AND RECOMMENDATIONS

GENERAL OBSERVATIONS

6.1 We appreciate ED's efforts in formulating contingency plans and implementing relief measures for students affected by the sex-discriminatory features of the SSPA System. Throughout the five-week period from the release of the Court judgment to the completion of the RM and the SPS, ED staff worked very hard and literally round-the-clock to meet tight work schedules and pressing deadlines. However, while the intentions were responsible and responsive in the interest of students and the relief measures introduced were fine in principle, implementation was deficient.

CONCLUSIONS

6.2 This Office has come to the following conclusions -

(a) ED has taken steps to prepare for contingencies in the light of questions over the SSPA System.

(b) The relief measures were fine in

principle but fell short in implementation.

(c) Administrative deficiencies have been identified in the procedures for the MG's execution of its advisory and supervisory functions.

(d) There has been discrepancy in ED's treatment of requests for access to banding information from EOC and from aggrieved students or their parents, possibly in breach of PD(P)O.

(e) ED had made apparently "cautious", but in effect misleading, statements about the chances of successful re-allocation through the relief measures.

(f) ED's introduction of the SPS, in our view a *de facto* extension of the RM, had been made with undue haste and without advance notice to students and parents.

RECOMMENDATIONS

6.3 The Ombudsman has made the following recommendations for consideration by D of E -

Relief Measures

(a) To ensure fairness and maximum access to

redress for aggrieved students when formulating and implementing relief measures, if ever necessary again in future (para. 5.9);

Monitoring Mechanism

(b) To work out with the monitoring body beforehand the key stages of operation and set up corresponding check points for review (para. 5.15);

(c) To allow time, when scheduling its operation, for the monitoring body to review and advise on the operation and for the department to respond to or act on such advice (para. 5.15);

(d) To reschedule meetings of the monitoring body when more than half of the members are absent (para. 5.10(c));

Banding Information

(e) To review, in consultation with PCO and EOC, the existing practice of retaining and releasing banding information (para. 5.23);

Public Announcements

(f) To refrain from speculating on chances of success of appeal in public statements or

comments (para. 5.27); and

Long-Term Allocation

(g) To speed up the progress of the overall review of the SSPA System (para. 5.28(c)).

7

FINAL REMARKS

GENERAL COMMENTARY

7.1 We have carefully considered ED's comments and suggestions for textual amendment and incorporated them into the report, where appropriate. We highlight below the major comments and views from ED together with our responses.

MAJOR COMMENTS AND VIEWS

Relief Measures and Special Placement Service

7.2 ED emphasises the importance of keeping the RM and the SPS process as short as possible to alleviate the anxiety and worries of all parties concerned and to allow both schools and parents sufficient time to prepare the students for the new term. ED maintains that it was virtually impossible to successfully place all the aggrieved students in one go under the RM, given the inherent constraints of -

(a) having to place the affected students to schools above their allocated choice;

(b) having only limited vacant places

available in popular schools; and

(c) the difficulty of predicting the outcome of the "move-over" effect.

Even if ED had increased the capacity of classes to create more places at the RM stage, a certain number of students would still not be placed in schools of their higher choice. ED is of the view that some expedient arrangement outside the RM, be it SPS or another device, would still be necessary to assist those students. ED simply had the interests of the unallocated students at heart when mounting the SPS and considers it unfair to view the SPS as a measure to forestall possible claims for remedy.

7.3 We fully appreciate ED's intention and intense efforts to bring early relief to affected students. While we recognise the time constraint on the administration of the relief measures, fairness in implementation is equally important and therefore must not be compromised in the process. The public has legitimate expectations that ED would discharge its functions not only efficiently and effectively but also fairly. We suggest that the processing of the RM and the SPS as one integrated exercise would have made for a more equitable distribution of school places among students seeking relief.

Operation of the MG

7.4 ED reiterates that it was not within the MG's remit to perform sample checks before the RM placement results were announced. As a matter of fact, ED did proactively offer to provide sample results for checking by the MG so that it could complete its task in a more meaningful way. Notwithstanding

this, ED accepts that it would have enhanced the credibility of the monitoring mechanism if the sample checks could have been conducted prior to the release of the results.

7.5 In setting up the MG, ED has created public expectations of the MG keeping a watching brief on the operation of the RM. Anything falling short of these expectations would invite criticism. To bring early relief to affected students, ED has repeatedly emphasised the importance of completing the RM exercise on schedule and the constraints consequently imposed on ED and the MG. While we fully appreciate ED's concern for relief to affected students, it must schedule its operations realistically and strike a balance between speed and practicability. ED found the hoisting of Typhoon Signal No. 8 on 25 July 2001 to have disrupted the already very tight working schedule of the RM to the extent that it had to postpone MG's scrutiny until after the placement results were announced. In this connection, we consider that the public would have understood ED's operational difficulties if ED had announced deferment of the release of the RM results for a day because of the typhoon.

Handling of Banding Information

7.6 ED emphasises that the SSPA System was designed to reduce pressure from competition and minimise labelling effect on students. The practice of not retaining and releasing students' banding information was adopted after consulting the SSPA Committee, the LegCo Panel on Education and PCO. To cater for the possible need to process any appeals against the allocation results, ED keeps individual students' internal assessment raw data for future reconstruction. This practice was cleared with PCO. ED believes that it has taken the

necessary steps to ensure that the practice is in full compliance with PD(P)O.

7.7 From the findings of this investigation, we see that the educational principle of not releasing banding information to reduce the labelling effect may be in conflict with the data protection principle in PD(P)O of allowing access of data subjects to their personal data. This has to be addressed and resolved. In this connection, we are pleased to note that ED has undertaken to review its existing practice.

Public Announcements

7.8 ED explains that the estimate of about 600 places disclosed at the press conference on 8 July 2001 referred to vacancies in schools "favoured" by parents rather than vacancies available for re-allocation and that it was impossible to predict the outcome of the "move-over" effect at that time. ED emphasises that it had no intention whatsoever of discouraging or restricting parents from making use of the RM.

7.9 It is unfortunate that ED's estimate of school places "favoured" by parents had been perceived as the number of places available for re-allocation. We share parents' views that ED itself had contributed to such perception : ED had emphasised at the press conference that the chances of successful re-allocation were extremely limited. Moreover, ED had not explained fully and clearly to the public the "move-over" effect and the possible implications. After the RM, ED was found to have successfully placed 2,261 aggrieved students in schools of their higher choice, probably due to the satisfactory operation of the "move-over" effect.

7.10 We have found no evidence to suggest that ED had intentionally discouraged parents from making use of the RM. However, its statements and comments at the press conference on 8 July 2001 did affect some parents. We consider therefore that ED should not have speculated on the chances of success publicly.

EPILOGUE

7.11 On a final note, The Ombudsman sees a conflict between the policy objectives of the SDO and the educational principles behind the SSPA System. We respect the need to enforce the legislation on sex discrimination. However, we also see the need to recognise and accept the different rates of growth, development and maturity between boys and girls. This is a fact of life and nature which no legislation can alter.

7.12 The Ombudsman wishes to be kept informed of progress on the implementation of the recommendations and any major changes in policy and practice. We would follow up with ED half-yearly.

7.13 Lastly, The Ombudsman expresses her appreciation for the co-operation and assistance rendered by ED and other parties throughout the course of this investigation. We are also grateful for the views from educational bodies and from the public, particularly parents.

\- END -

Office of The Ombudsman

Ref. OMB/WP/14/1 S.F. 99

May 2002

ANNEXES

Annex	Title	Para. No.
I	Terms of Reference and Composition of the SSPA Committee	2.1
II(a)	Application Form for RM	3.6
II(b)	Explanatory Notes for Application for RM	3.6
II(c)	Publicity Leaflet for RM (only Chinese version available)	3.6
III	Sequence of Events for Implementing the RM	3.8
IV	Sequence of Events for Implementing the SPS	3.11
V	Terms of Reference and Composition of the Monitoring Group	3.12
VI	List of Educational Organisations/Bodies from which this Office had invited views	4.1
VII	Letter dated 18 October 2001 from the Grant Schools Council	4.1
VIII	Letter dated 3 November 2001 from the Hong Kong Education Policy Concern Organization	4.1

Annex I

Terms of Reference and Composition of the SSPA Committee

Terms of Reference

(a) To advise Education Department on the detailed operation of the SSPA System;

(b) To advise Education Department on the conduct and nature of the Academic Aptitude Test;

(c) To consider and advise the Director of Education on the Report of the Secondary School Places Allocation after each allocation;

(d) To review the SSPA System as and when required and recommend measures of improvement to the Advisory Committee on School Places Allocation; and

(e) To appoint special sub-committees to deal with particular issues and to dissolve, reconstitute or replace such sub-committees as it may decide.

Composition*

(a) Eleven members nominated by major school councils/associations;

(b) Eighteen members elected, one for each school net, from amongst the principals and heads of participating secondary and primary schools physically located in each school net;

(c) A Vice-Chairman appointed by the Director of Education;

(d) A Secretary appointed by the Director of Education; and

(e) A representative of the Director of Home Affairs.

* The Chairman is to be elected annually from amongst the members in (a) and (b) above.

Secondary School Places Allocation 1999/2001
Relief Measures

Application Form

Part 1 : To be filled in by parents
(Please read Notes for Application in Part II before completing this form)

A :

Student Name : (Chinese)______________ (English)______________

Student Reference No. : | | | | | | | | | (Please refer to Allocation Slip)

Primary School Attending : ______________________________

Allocated Secondary School : ______________________________

Parent's Contact Tel. No. : (1)______________ (2) (if any)______________

B :

I understand that the Education Department will process my application under the Relief Measures in accordance with the school choices I made in May 2001.

If my child is successfully placed to a school of higher choice, I **agree** to give up the Secondary 1 place originally allocated to my child for placement of another likely affected student.

Signature of Parent : ______________

Name of Parent : ______________
(Block letter)

Remark : Please return Part I only. Parents should keep Part II for reference.

Notes on Personal Data (Privacy) :

The personal data provided by means of this form will be used for school places allocation and other education-related purposes. The personal data collected may also be disclosed to other Government Departments and the school to which your child is allocated/transferred for verification of information and other education-related purposes. The provision of the personal data by means of this form is obligatory. If you do not provide sufficient information, the Education Department may not be able to process your application.

Part II : Notes for Application

Pursuant to the Court judgement, the Education Department (ED) will try its best to place those students who have reason to believe that their allocation results are likely affected by the sex-discriminatory features to schools of their higher choices. The main points of the Relief Measures are as follows (please refer to the leaflet about the procedures and placement method on the Relief Measures attached to this Application Form) :

- Students must have reason to believe that their allocation results are likely affected by the sex-discriminatory features under the current allocation system.
- Students have to register with the schools allocated on **19 and 20 July**. Failing to register is regarded as forfeiture of the allocated places.
- Applicants must complete an Application Form and return it to their children's primary schools on **20 July** before noon.
- A computer programme will be used to vet the applications. The method of combined scaling of internal assessments and combined banding is adopted to examine if a student's allocation band is adjusted upward. If the student's new allocation band is **higher** than the original band, he/she will preliminarily be classified as a likely affected student. Then, the computer will scan through the choices of schools the student made in May this year, from his/her first choice up to the one immediately **above** the choice of school to which the student is allocated. The computer will check whether students allocated to these schools are of the **same** or a **lower** band than the student's new band. Should this be the case and if there are vacancies in these schools, a Secondary 1 place of the highest choice will be offered to the student.
- If the student's band remains the **same** as the original band after the combined process, the computer will again scan through the student's higher school choices to see if any students of the opposite sex with a **lower** allocation band have been allocated to these schools. Should this be the case and if there are vacancies in these schools, a Secondary 1 place of the highest choice will be offered to the student.
- Students will be classified as unaffected students under the following two conditions. Their applications will not be further processed and there will not be any placement :

  (1) the new allocation band remains the **same** as the original band and no student of the opposite sex with a **lower** band has been allocated to schools of the applicant's higher choices; or

  (2) the applicant's new allocation band is **lower** than the original band.

- According to the allocation procedure, Band 1 students will be allocated first, followed by Band 2 and so on. The order of allocation within the same band is determined by the random number.
- Applicant students should return to their primary schools on **28 or 30 July 2001** to see if they are placed to the schools of their higher choices, and if so, they should register with the secondary schools to which they are placed on either **30 or 31 July 2001**. Failing to register will be regarded as forfeiting the school places offered.
- As vacancies are limited, those students preliminarily classified as likely affected students may not be able to be successfully placed to a school of their choice.
- **School places allocation involves a high degree of randomization. It is therefore unable to verify that a student's original allocation result is affected by sex-discriminatory factor whether or not he/she is preliminarily classified as a likely affected student in the placement process or he/she is successfully offered a place.**
- **Students successfully offered school places have to agree to accept ED's arrangements to transfer their originally allocated S1 places to other likely affected students who have not yet been placed. Parents should therefore consider seriously before lodging their applications.**

The Education Department will inform applicants of their placement results through their respective primary schools on **28 July 2001**. Parents may check the application results through their children's primary schools on **28 or 30 July**. Before that date, parents need not make enquiries to the schools or the Education Department regarding results of their applications.

不獲編配學位的例子

例三

男學生丙原屬第二派位組別(Band 2)，合併處理後屬組別三(Band 3)，新的派位組別比原來派位組別低



▶ 被界定為非受影響學生

例四

女學生丁原屬第二組別(Band 2)， 獲派第三選擇的學校，合併處理後亦屬第二組別(Band 2)

原獲派的中學 → 三

丁生的學校選擇	一	二	三
獲派男生之最低組別	1	2	2
空缺	2	0	1

一、二 ← 全部較高選擇的中學之男生派位組別不低於第二組別(Band 2)

▶ 被界定為非受影響學生



例五

男學生戊原屬第三組別(Band 3)， 獲派第五選擇的學校，合併處理後屬第二組別(Band 2)

原獲派的中學 → 五

戊生的學校選擇	一	二	三	四	五
獲派學生之最低組別	1	2	3	2	3
空缺	2	0	0	0	0

二、三、四 ← 符合編配條件之中學 ← 由於全部學校都沒有空缺，所以不獲編配學位



注意

(一) 本年度派位程序不變。

(二) 七月十七日如期公布派位結果。

(三) 七月十九至二十日，學生應到獲派之中學註冊(無論是否會提出申訴)。如果不註冊，將被視為放棄學位。

(四) 家長必須於七月十七至十九日向其子女就讀之小學索取申訴表格，並於七月二十日正午十二時前填妥交回該小學。逾時遞交表格之申請者，概不受理。

(五) 家長應於七月二十八日或三十日向其子女就讀之小學查詢申請結果。

(六) 獲編配學位的學生應於七月三十或三十一日往獲編配之中學註冊。如果獲編配學位的學生不在七月三十日或三十一日往獲編配學位的中學註冊，則被視為放棄該中學之學位。

(七) 由於學位空缺有限，獲教署初步界定為可能受影響的學生，並不等於必定能夠成功獲安排入讀所選的學校。

(八) 學位分配的處理，無論是將男女生合併或分開，都含有極高的隨機成分。此外，派位結果亦很大程度受到其他家長的學校選擇所影響。所以，在這個編配學位程序中，即使被初步界定為可能受影響的學生，亦不能確切證明該學生原來的派位結果，是受到性別因素所影響。

(九) 成功獲編配學位之學生都必須同意接受教育署將其原來獲派的中一學位重新編配給經界定為可能受影響但仍未獲重新編配學位的學生。所以在決定申訴前，家長必須慎重考慮。

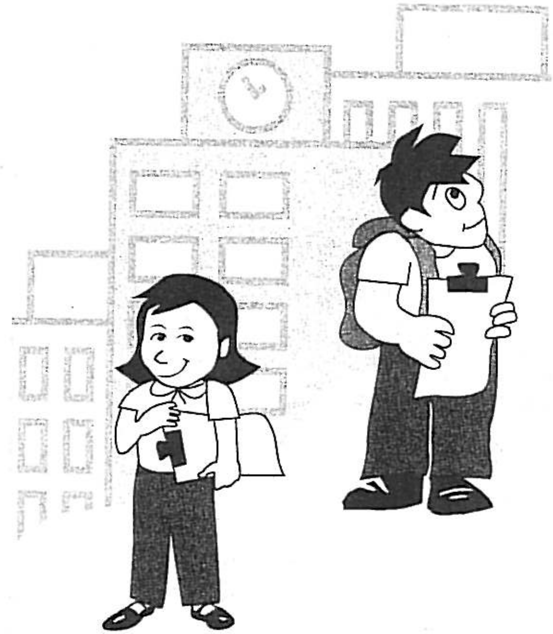
(十) 家長如欲作進一步查詢，可參考教育署網頁或與教育署學位分配組聯絡。

電話：2832 7740 或 2832 7700
傳真：2838 4009 或 2891 9573
網址：http://www.ed.gov.hk

政府印務局印
(所用紙張取材自可再生林木)

一九九九至二零零一年度
中學學位分配辦法

紓緩機制



教育署

紓緩機制時間表



7月17日	公布中學學位分配結果
7月19及20日	所有學生向獲派中學註冊
7月21至23日	各中學向教育署申報中一學位空缺，並將空缺凍結至7月31日
7月17至20日正午十二時前	家長可向其子女就讀之小學索取申訴表格，填妥後交回該小學
7月20日下午5時前	各小學將申訴表格交回教育署
7月21至27日	教育署處理申訴
7月28或30日	教育署將有關資料通知小學，家長可向就讀小學查詢申訴結果
7月30或31日	獲編配學位的學生往獲編配之中學註冊
8月1日	中一學位空缺解凍



紓緩機制下的編配學位程序



採用合併調整校內成績及合併劃分派位組別的方法

（一）如新的派位組別比原來的派位組別**高**

→ 申請學生被初步界定為可能受影響的學生

→ 電腦會搜尋該學生在五月選校時，較已獲派學校為高的選擇

舉例說，如果受影響學生獲派往第五選擇，則電腦會搜尋第一至四的選擇

- 學校選擇一
- 學校選擇二
- 學校選擇三
- 學校選擇四
- （以上：較高選擇）
- 學校選擇五（已派往）

→ 電腦檢視在派往這些學校的學生中，其派位組別有沒有**等同或低於**該學生的新派位組別

→ 如果有的話，則再檢視這些學校是否有空缺

→ 如有空缺，該學生會獲編配到有空缺學校中最高選擇的中學

（二）如新的派位組別與原來的派位組別**相同**

→ 電腦會檢視在該學生的較高之學校選擇中(見左邊的說明舉例)，是否有獲派之異性學生，其派位組別較該學生的為**低**

→ 如果有的話，該學生亦會被初步界定為可能受影響的學生

→ 電腦再檢視這些學校是否有空缺

→ 如有空缺，該學生會獲編配到有空缺學校中最高選擇的中學

（三）如新的派位組別與原來的派位組別**相同**同時在較高之學校選擇中，異性學生的派位組別並**不低於**該學生

→ **該學生被確定為非受影響的學生**

或

新的派位組別比原來的派位組別**低**

→ **該學生被確定為非受影響的學生**

★ 編配學位的次序，先由派位組別一的學生開始，繼而派位組別二，餘此類推。在同一組別內，編配學位的先後次序，由隨機編號決定。

獲編配學位的例子

例一

女學生甲原屬第三組別(Band 3)， 獲派第四選擇的學校，合併處理後屬第二組別(Band 2)

甲生的學校選擇	一	二	三	四
獲派學生之最低組別	1	3	2	3
空缺	2	0	1	2

原獲派的中學：四

符合編配條件之中學：二、三

有空缺之中學：三

獲編配之中學：三



例二

男學生乙原屬第二組別(Band 2)， 獲派第六選擇的學校，合併處理後亦屬第二組別(Band 2)

乙生的學校選擇	一	二	三	四	五	六
獲派女生之最低組別	1	3	2	3	3	3
空缺	3	2	2	0	3	2

原獲派的中學：六

符合編配條件之中學：二、四、五

有空缺之中學：二、五

獲編配之中學：二



Sequence of Events for Implementing the Relief Measures

Date(s)	Major Event(s)
23 May 2001	ED proposed relief arrangement to Court.
24 May 2001	ED proposed relief arrangement to EOC in Court.
31 May 2001	ED assessed possible scenarios of Court ruling. Options were proposed.
4 June 2001	Education Reform Liaison Team (ERLT) meeting discussed possible scenarios of Court ruling and ED's draft plan for the Relief Measures (RM).
5-21 June 2001	ED contemplated action plans for various scenarios.
22 June 2001	The Court handed down its judgment. The number of school places that would be favoured by parents was estimated to be about 600. This estimate was based on the banding of the intakes of the schools in past years and the one additional place per class available for the RM. The total number of additional places, however, was 3140.
23 June 2001	ED submitted its proposal for CS's endorsement.
27 June 2001	ED asked EOC to comment on the RM.
27 June 2001	EOC declined to comment on the RM.
29 June 2001	ED consulted EC on the RM.
3 July 2001	ED consulted ERLT on the RM.
8 July 2001	ED held press conference to announce the RM.
9 July 2001	ED sought legal advice on setting up the Monitoring Group (MG) and invited EOC to nominate a representative to sit on the Group. ED finalised the terms of reference and composition of the MG.
9 July 2001	EMB/ED discussed the way forward on SSPA.
9 July 2001	ED issued circular letters to primary and secondary schools to announce the RM.
11 July 2001	The first MG meeting confirmed the detailed algorithm of the RM.

Date(s)	Major Event(s)
12 July 2001	ED conducted two seminars for primary schools and secondary schools to explain the RM. School heads were asked to explain to parents directly about the RM.
17 July 2001	ED released the allocation result as scheduled. Each parent received a RM leaflet, an application form and explanatory notes.
17-20 July 2001	ED set up public enquiry counters from 8:00 a.m. to 9:00 p.m.
19 July 2001	ED attended a special meeting of LegCo Panel on Education to discuss the RM.
19-20 July 2001	Students registered with the allocated schools.
20 July 2001 (noon)	Deadline for submission of applications.
20-24 July 2001	ED inputted application data into the computer.
21 July 2001 (a.m.)	The second MG meeting confirmed the details of operation and the way of handling vacancies.
21-24 July 2001	Secondary schools submitted to ED vacancy information and identity of unregistered students.
23 July 2001	The third MG meeting confirmed the method of handling banding information and proposed what information should be given to students upon the release of placement result.
23 July 2001	ERLT discussed the RM and asked to uphold the policy of not releasing banding information.
23-24 July 2001	ED entered vacancy data and identity of unregistered students into the computer.
25 July 2001	Typhoon Signal No. 8 was hoisted. ED offices were closed.
26 July 2001	ED discussed with D of J the wording of the placement result documents. ED confirmed the wording at 11:00 p.m.
26 July 2001 (11:00 p.m. to 12:30 a.m.)	ED amended printing programs for placement results.
27 July 2001 (12:30 a.m. to 5:00 a.m.)	ED printed the placement result documents.

Date(s)	Major Event(s)
27 July 2001 (morning)	The placement result was confirmed by noon.
27 July 2001 (3:30 p.m.)	ED held press conference to announce the placement results of the RM.
27 July 2001 (4:30 p.m.)	The fourth MG meeting discussed statistics and the selection of samples for checking.
27 July 2001 (8:00 a.m. to 11:30 p.m.)	ED packed the placement result documents.
28 July 2001	ED released placement results to students via schools.
28-31 July 2001	ED set up enquiry counters from 8:00 a.m. to 9:00 p.m.
30-31 July 2001	Students registered with the placed schools.
30 July 2001	ED sent sample check reports to the MG.
31 July 2001	ED issued circular letters to secondary schools to defreeze the vacancies.
6 August 2001	The fifth MG meeting performed sample checks and reviewed the whole process of the RM.

Sequence of Events for Implementing the Special Placement Service

Date	Major Event(s)
26 July 2001	Divisional meeting was held to discuss the strategy of the SPS. School Places Allocation (SPA) Section supplied a list of the 740 affected students by district to Regional Education Offices (REOs). A telephone hotline was set up in each School Development Section.
27 July 2001	REO officers to discuss the strategy for special placement in their districts and regions. REO officers called up the heads of primary schools with clusters of the affected students to lobby their support in providing counseling and advice to the affected students and parents.
28 July 2001	Students returned to school to get the RM placement results. REO officers contacted the parents of the affected students to build up a communication channel with them, alleviate their discontent and grievances, gather more information about them and to find out wider school choices, including those outside their home districts. REO officers started to approach secondary schools for additional places.
29 July 2001	REO officers continued to get in touch with parents of those students who could not be contacted the day before. REO officers reported to ED HQs results of these contacts.
30 July 2001	Placement by REOs proceeded according to the set criteria and procedure. Parents were informed of the results of the placement arrangement and to collect the admission slip the following morning from the respective REOs. REO officers forwarded the list of successful students to SPA Section for printing of admission slips. REO officers called up relevant schools to alert them of the need to arrange manpower to deal with registration of students during the prescribed period.

Date	Major Event(s)
31 July 2001	REO officers collected admission slips from SPA Section early in the morning. Parents collected the admission slips from REOs and they were required to sign an undertaking that they agreed to accept the placement offered and give up the place originally allocated to them on 17 July 2001. Students were required to report to the reallocated schools for registration on the same day or the day after. REO officers notified schools in writing of the names of students placed to them.

Terms of Reference and Composition of the Monitoring Group

Terms of Reference

(a) To oversee the operation of the Relief Measures introduced by Education Department to handle cases of applications from parents who believed that their children were likely affected by the sex-discriminatory element of the SSPA System; and

(b) To advise the Director of Education, when necessary, on matters in connection with the implementation of the Relief Measures.

Composition

(a) The Chairperson of the SSPA Committee*;

(b) Two members chosen from the primary school heads in the SSPA Committee;

(c) Two members chosen from the secondary school heads in the SSPA Committee;

(d) A parent member and;

(e) A community member.

* serving as Co-ordinator of the Monitoring Group.

Annex VI

List of Educational Organisations/Bodies from which this Office had invited views

(1) Grant Schools Council;

(2) Subsidized Primary Schools Council;

(3) Hong Kong Subsidized Secondary Schools Council;

(4) Union of Government Primary Schools;

(5) Association of Principals of Government Secondary Schools;

(6) The Hong Kong Professional Teachers' Union;

(7) Hong Kong Federation of Education Workers;

(8) Hong Kong Education Policy Concern Organization; and

(9) Committee on Home-School Co-operation.

GRANT SCHOOLS COUNCIL
補助學校議會

C/O

GRANT SCHOOLS COUNCIL
補助學校議會

Diocesan Boys' School
拔萃男書院

Diocesan Girls' School
拔萃女書院

Heep Yunn School
協恩中學

La Salle College
喇沙書院

Maryknoll Convent School
瑪利諾修院學校

Marymount Secondary School
瑪利曼中學

Methodist College
循道中學

Sacred Heart Canossian College
嘉諾撒聖心書院

St. Clare's Girls' School
聖嘉勒女書院

St. Francis' Canossian College
嘉諾撒聖方濟各書院

St. Joseph's College
聖若瑟書院

St. Mark's School
聖馬可中學

St. Mary's Canossian College
嘉諾撒聖瑪利書院

St. Paul's College
聖保羅書院

St. Paul's Co-ed. College
聖保羅男女中學

St. Paul's Convent School
聖保祿學校

St. Paul's Secondary School
聖保祿中學

St. Stephen's Girls' College
聖士提反女子中學

Wah Yan College, H.K.
香港華仁書院

Wah Yan College, Kln.
九龍華仁書院

Ying Wa College
英華書院

Ying Wa Girls' School
英華女學校

c/o St. Mark's School
Oi Shun Road,
Aldrich Bay,
Shaukeiwan,
Hong Kong.

18th October, 2001.

The Ombudsman,
Office of the Ombudsman Hong Kong,
31/F Gateway, Tower 1,
25 Canton Road,
Tsim Sha Tsui,
Kowloon.

Dear Sir,

Re: Direct Investigation into the Handling of Secondary School Places Allocation

In response to your letter dated 27th September 2001, we wish to make the following comments. We feel that the Education Department did its best to prepare for contingency and remedial measures in the light of questions over the system for allocating Secondary One places.

The Department had to work under time and other constraints, and we feel that under the circumstances the measurers adopted showed a willingness to meet the demands of a new situation.

We hope that in future a new system of allocation can be used that is fair to both boys and girls taking into account the differences in their physiological and biological development.

We thank you for consulting us.

Yours sincerely,

Chairperson.

EPCO 教育政策關注社
Hong Kong Education Policy Concern Organization
香港教育政策關注社

3 November 2001

Office of the Ombudsman Hong Kong
31/F, Gateway, Tower 1
25 Canton Road
Tsim Sha Tsui
Kowloon

Dear ,

Direct Investigation into the Handling of
Secondary School Places Allocation
Ref: (22) in OMB/WP/14/1 S.F.99

Thank you for your letter of 27 September 2001, asking us to offer feedback relating to the handling of the allocation of school places in Secondary One classes for the academic year 2001/02 by the Education Department (ED). On behalf of the Hong Kong Education Policy Concern Organisation (EPCO), let me make some comments on the points you have raised in the letter.

(a) After the delivery of the judgement of the Court in June, it seems that the ED has tried out most of the available means to remedy the situation. The contingency preparations have culminated in the design and promulgation of the complaint and relief mechanisms. In this regard, there seems to be sufficient grounds to conclude that the ED has taken the necessary action to prepare for the contingency that has come about following the judicial ruling in summer.

What, however, has not convinced us is the apparent over-complacent attitude of the ED in regard to the possibility of losing in the examination by the judiciary. Such an outlook has apparently reduced the Department's level of sensitivity to the issue at stake and, for that matter, to the vital need for a contingency plan capable of drumming up a higher degree of public support.

(b) The ED has, in the main, acted fairly and reasonably in carrying out the appeal mechanism. Administratively, the procedures are clearly announced and followed through. Yet, probably in a bid not to generate undue hopes on the part of the affected parents and their children concerned, the ED has given us the impression of trying to dissuade the submission of appeals, by repeatedly stressing that the chances of re-allocation of places in favourite schools would be extremely slim in the light of the demand and provision for such places. This might chill the incentive of the parents pondering to make a petition over their children's allocated seats. They were only disappointed to find that most of those who did complain had their outcomes of

allocation improved afterwards. The latter included a reported case of re-distributing to a reputable school in spite of the fact that school had not been selected initially. Such a consequence might suggest that the ED should have adopted an attitude and approach with increased openness in relation to the community of affected parents.

(c) It does not appear that the ED has acted with full appropriateness in its handling of information on students' banding arrangements. For instance, it said at first that the files of banding data were kept confidential and would be destroyed soon after the results of allocation were fixed and announced. This is obviously one drawback in the handling approach an account of the anticipated controversies that could crop up this year in consequence to the judgement passed by the judicial review.

Other comments

(d) Basically, a higher degree of transparency over the functioning of the allocation system and the relief mechanism is desired in order to remove the unnecessary worries and misunderstanding of the parents.

(e) As a belated effort to remedy the post-allocation situation, the relief mechanism was introduced and 'marketed' to the school principals at too short notice. This has made it difficult for them to be sufficiently well-prepared in handling the queries and complaints from the parents, and in positively helping the authorities in allaying the anxieties of the parents and pupils.

(f) The EPCO wishes, however, to close this response by pointing out that the parents themselves were fully aware that the ED had decided to retain the prevailing allocative mechanism when they chose the thirty secondary schools for their children in April this year. If the children have been made unhappy through such choices that were made with the clear understanding that the primary six students would not be combined into one queue for allocative purposes, the parents themselves might have a part to play in the grievances so engendered.

This is a late reply, for which we apologise sincerely. The views so expounded will hopefully go into your frame of consideration.

Yours sincerely,

Chairman/EPCO